

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
IKE CARTER, JR.,

For Online Publication Only

Plaintiff,

ORDER
22-CV-05083 (JMA) (ARL)

-against-

PAYBACK REPO, INC. and
AMERICAN RECOVERY SERVICES,

1:14 pm, Sep 11, 2023

**FILED
CLERK**

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Defendants.

-----X
AZRACK, United States District Judge:

Currently before the Court is the motion of Defendants Payback Repo, Inc. and American Recovery Services to compel arbitration of Plaintiff Ike Carter, Jr.'s claims. (ECF No. 18.) In a report and recommendation ("R&R") issued on August 25, 2023, Magistrate Judge Arlene R. Lindsay recommends that the Court deny Defendants' motion. (ECF No. 23.) Defendants subsequently filed objections to the R&R. (ECF No. 24.)

In reviewing a magistrate judge's report and recommendation, a court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made." 28 U.S.C. § 636(b)(1)(C); see also United States ex rel. Coyne v. Amgen, Inc., 243 F. Supp. 3d 295, 297 (E.D.N.Y. 2017), aff'd, 717 F. App'x 26 (2d Cir. 2017). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

After conducting a de novo review of the full record (including the motion papers, R&R, and objections) and applicable law, the Court agrees with Magistrate Judge Lindsay's

recommendations, and therefore adopts the well-reasoned R&R in its entirety as the opinion of the Court. Accordingly, Defendants' motion to compel arbitration is DENIED. The parties are REFERRED to mediation pursuant to Local Civil Rule 83.8.

SO ORDERED.

Dated: September 11, 2023
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE